

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application )  
No. 09/965,187 ) For: METHOD AND SYSTEM FOR  
 ) OPTIMIZING SYSTEM-ACCESS  
 ) AND SOFT-HANDOFF  
Samir S. Soliman ) PARAMETERS BASED ON  
 ) LOCATION INFORMATION  
Examiner: Melur Ramakrishnaiah )  
Filed: September 25, 2001 ) Group No. 2614

APPEAL BRIEF

Mail Stop Appeal Brief - Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

A Final Office Action dated January 31, 2007 rejected all pending claims (claims 1-24, 32, and 35-36) in the present application. A timely Notice of Appeal was submitted on July 17, 2007. Appellant's Appeal Brief is being filed herewith.

Table of Contents

Real Party in Interest.....	3
Related Appeals and Interferences .....	3
Status of Claims.....	3
Status of Amendments .....	3
Summary of Claimed Subject Matter .....	3
Grounds of Rejection to be Reviewed on Appeal.....	8
Argument .....	9
Claims Appendix .....	14
Evidence Appendix.....	20
Related Proceedings Appendix .....	21

**1. REAL PARTY IN INTEREST**

The real party in interest is the assignee, QUALCOMM, Inc.

**2. RELATED APPEALS AND INTERFERENCES**

There are no related appeals and/or interferences.

**3. STATUS OF CLAIMS**

Claims 1-24, 32, 35 and 36 are pending in the present application. Claims 25-31, 33-34 and 37-44 have been withdrawn. Claims 1-3, 8-11, 15-19, 23, 32, 35, and 36 stand rejected under 35 U.S.C. § 102(e) as being unpatentable over PCT Patent Application Publication No. WO 01/63960 to Raith (hereinafter, "Raith"). Claims 4-6, 12-13, 19-22, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of U.S. Patent No. 6,594,243 to Huang et al. (hereinafter, "Huang"). Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of U.S. Patent No. 6,507,740 to Shi (hereinafter, "Shi"). Appellant appeals the rejections of claims 1-24, 32, 35 and 36.

**4. STATUS OF AMENDMENTS**

No amendments were filed subsequent to the final rejection.

**5. SUMMARY OF CLAIMED SUBJECT MATTER**

As stated in the background section of Appellant's specification, cellular telecommunications systems are characterized by a plurality of mobile units (e.g. cellular telephones) in communication with one or more base stations. Signals transmitted by a mobile unit are received by a base station and often relayed to a mobile switching center (MSC). The MSC in turn routes the signals to a public switched telephone network (PSTN) or to another mobile unit. Similarly, a signal may be transmitted from the PSTN to the mobile unit via the base station and the MSC.

Each base station covers a "cell" within which a mobile unit may communicate. The cell covers a limited geographic area, wherein calls from mobile units are routed to and from a telecommunications network via the MSC. The coverage area of a typical cellular

telecommunications system may be divided into several cells. Each cell may also be divided into several sectors. Different communications resources are often allocated to each cell or sector to maximize communications system resources. When a mobile unit moves from a first cell to a second cell, or from a first sector to a second sector, a handoff has to be performed to assign new system resources associated with the second cell or sector.

A handoff involves executing a set of negotiations between the mobile unit and one or more governing base stations and/or MSCs. Handoff improves the performance of the system at the expense of more system resource. Efficient and timely handoff procedures are becoming increasingly important as smaller cells and/or sectors are deployed to meet demands for increased communications system capacity. Use of smaller cells and/or sectors increases the number of boundary crossings and resource assignments, thereby increasing the need for adaptive, efficient, fast, and cost-effective handoff procedures.

Handoff can be classified as hard handoff or soft handoff. Hard handoff procedures are used to transfer an ongoing call between adjacent cells or sectors, having different frequency assignments, having different radio configurations as in the case of third generation wireless systems (3G), having different frame offsets, or even between systems such as handoff between code division multiple access (CDMA) and analog (AMPS). In a hard handoff, a first link with a first cell is broken and then a second link is established. In a soft handoff, a first link is maintained until a second link is established. Thus, there is a time during which the first link and second link are maintained simultaneously. In either the case, a large delay between the dropping of the first link and the establishment of the second link may result in unacceptable communications service quality.

Access handoff is another feature of 3G systems. Due to the rapid change in the dynamics of the radio frequency (RF) channel, the control (paging) channel may not be in soft handoff when the traffic channel is assigned, and the mobile station may not be monitoring the best cell when it receives a page. Consequently, the performance of the phone while operating in system access state is vulnerable. To enhance the performance of the system while the mobile station is in the system-access state, some techniques have been proposed. These techniques include access entry handoff, channel assignment into soft handoff, access handoff, and access probe handoff.

In processing a handoff, a mobile unit uses various static handoff parameters, which may have been sent over the air and stored by the mobile unit. One problem with using static handoff parameters is that the mobile unit has to use the same static parameters for all geographical areas, irrespective of terrain, morphology, traffic density of cell sites and/or sectors, and other land characteristics. Consequently, handoffs based on static handoff parameters are not adaptable to various geographical locations, may consume more system resources, and may result in poor communications service performance.

There is a need, therefore, for an adaptive, fast, efficient and cost-effective method and system for facilitating reliable system access and soft handoff in a cellular telecommunications system with optimized parameters based on location information.

As required by 37 C.F.R. § 41.37(c)(1)(v), a summary of claimed subject matter immediately follows. The references to the specification refer only to embodiments of the invention. The invention is defined by the claims. Accordingly, these references to the specification are not meant to limit the scope of the claims at issue in any way but are only provided because they are mandated by 37 C.F.R. § 41.37(c)(1)(v). All references are to Appellants' specification.

1. A wireless communication system comprising:
  - a first transceiver; (page 2, line 30; page 7, lines 6-7; Fig. 2, reference no. 58)
  - a second transceiver; (page 2, line 30)
  - a third transceiver in communication with the first transceiver; and (page 2, lines 30-31; page 7, line 8; Fig. 2, reference no. 62)
    - a controller (Fig. 2, reference no. 14; Fig. 3, reference no. 230; Figure 3, reference no. 270) configured to effectuate a soft handoff from the first transceiver to the second transceiver using a set of optimum parameters that are determined based on a current position of the third transceiver. (page 2, lines 31-34; page 7, lines 24-28; page 10, lines 14-20; page 14, lines 31-34)
7. A mobile unit comprising:

a receiver unit configured to receive a set of optimum system-access parameters determined based on a current position of the mobile unit; and (page 10, lines 4-10; Fig. 3, reference no. 222; page 15, lines 13-20)

a controller configured to effectuate a soft handoff of the mobile unit based on the received set of optimum system-access parameters. (page 10, line 10; Fig. 3, reference no. 230; page 15, lines 20-24)

8. A mobile unit comprising:

a receiver unit configured to receive a set of optimum soft-handoff parameters determined based on a current position of the mobile unit; and (page 10, lines 4-10; Fig. 3, reference no. 222; page 15, lines 13-20)

a controller configured to effectuate a soft handoff from a first base station to a second base station based on the received set of optimum soft-handoff parameters. (page 10, line 10; Fig. 3, reference no. 230; page 15, lines 20-24)

14. A base station comprising:

a transmitter unit configured to transmit a set of optimum system-access parameters determined based on a current position of a mobile unit; and (page 9, lines 28-32; Fig. 3, reference no. 268; page 15, lines 2-4; page 15, lines 13-20)

a controller configured to effectuate a soft handoff of the mobile unit based on the set of optimum system-access parameters. (Fig. 3, reference no. 270; page 15, lines 20-24; Fig. 7, reference no. 708)

15. A base station comprising:

a transmitter unit configured to transmit to the mobile unit a set of optimum soft-handoff parameters determined based on a current position of the mobile unit in a first coverage area; and (page 9, lines 28-32; Fig. 3, reference no. 268; page 15, lines 2-4; page 15, lines 13-20)

a controller configured to effectuate a soft handoff from the first coverage area to a second coverage area based on the set of optimum soft-handoff parameters. (Fig. 3, reference no. 270; page 15, lines 20-24; Fig. 6, reference no. 608)

23. A method for effectuating soft handoff, comprising:  
determining a current position of a mobile unit in a first coverage area; (page 15, lines 9-10; Fig. 6, reference no. 604; Fig. 7, reference no. 704)  
determining a set of optimum parameters based on the current position of the mobile unit; and (page 15, lines 10-16; Fig. 6, reference no. 608; Fig. 7, reference no. 708)  
effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters. (page 2, lines 31-34; page 7, lines 24-28; page 10, lines 14-20; page 14, lines 31-34; page 15, lines 20-24)
32. A computer readable medium embodying a method for effectuating soft handoff, the method comprising:  
determining a current position of a mobile unit in a first coverage area; (page 15, lines 9-10; Fig. 6, reference no. 604; Fig. 7, reference no. 704)  
determining a set of optimum parameters based on the current position of the mobile unit; and (page 15, lines 10-16; Fig. 6, reference no. 608; Fig. 7, reference no. 708)  
effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters. (page 2, lines 31-34; page 7, lines 24-28; page 10, lines 14-20; page 14, lines 31-34; page 15, lines 20-24)
35. An apparatus for effectuating soft handoff, comprising:  
means for determining a current position of a mobile unit in a first coverage area; (page 14, lines 30-32; Fig. 2, reference no. 48; Fig. 2, reference no. 50)  
means for determining a set of optimum parameters based on the current position of the mobile unit; and (page 14, lines 30-32; Fig. 2, reference no. 48; Fig. 2, reference no. 50)  
means for effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters. (page 2, lines 31-34; page 7, lines 24-28; page 10, lines 14-20; page 14, lines 31-34; page 15, lines 20-24; (Fig. 2, reference no. 14; Fig. 3, reference no. 230; Figure 3, reference no. 270)

36. An apparatus for effectuating soft handoff, comprising:  
a memory unit; and (page 17, lines 13-15)  
a digital signal processing (DSP) unit communicatively coupled to the memory unit, the  
DSP being capable of: (page 16, line 32)  
determining a current position of a mobile unit in a first coverage area; (page 15, lines 9-  
10; Fig. 6, reference no. 604; Fig. 7, reference no. 704)  
determining a set of optimum parameters based on the current position of the mobile unit; and  
(page 15, lines 10-16; Fig. 6, reference no. 608; Fig. 7, reference no. 708)  
effectuating a soft handoff from the first coverage area to a second coverage area using  
the set of optimum parameters. (page 2, lines 31-34; page 7, lines 24-28; page 10, lines 14-20;  
page 14, lines 31-34; page 15, lines 20-24)

#### **6. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The following issues are presented for review:

- A. Whether claims 1-3, 8-11, 15-19, 23, 32, 35 and 36 are unpatentable under 35 U.S.C. § 102(e) over Raith.
- B. Whether claims 4-6, 12-13, 19-22 and 24 are unpatentable under 35 U.S.C. § 103(a) over Raith in view of Huang.
- C. Whether claims 7 and 14 are unpatentable under 35 U.S.C. § 103(a) over Raith in view of Shi.

## 7. ARGUMENT

### A. Claims 1-3, 8-11, 15-19, 23, 32, 35, and 36 Rejected under 35 U.S.C. § 102(e)

Claims 1-3, 8-11, 15-19, 23, 32, 35, and 36 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Raith. Appellant respectfully traverses.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (*citing Verdegaal Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the … claim.” *Id.* (*citing Richardson v. Suzuki Motor Co.*, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Appellant respectfully submits that the claims at issue are patentably distinct from Raith. Raith does not disclose all of the subject matter in these claims.

Claim 1 recites “a controller configured to effectuate a soft handoff from the first transceiver to the second transceiver.” Raith does not disclose this subject matter. Instead, Raith discloses hard handoff.

Raith recites “a position reporting method implemented by a mobile terminal in a mobile communication network.” (Raith, page 4, lines 16-17.) During a “handover,” a “mobile terminal tunes to [a] newly assigned channel during one of the idle periods so there is no interruption in transmission. Thus, from the user’s perspective, the handover can be made seamless.” (Raith, page 3, lines 17-20.) This “handover” that, “from the user’s perspective,” is “seamless” is not a “soft handoff.”

First, Raith does not disclose a handoff that is “seamless,” but only one that appears that way “from the user’s perspective.” Appellant respectfully disagrees with the assertion that “Raith clearly teaches his handoff method is seamless.” (Jan. 31, 2007 Office Action, page 6.) If the “handover” in Raith was actually “seamless,” Raith would likely not have qualified the statement as it did by stating “from the user’s perspective.” Whatever Raith’s intention for the meaning of the term “seamless,” the qualification “*from the user’s perspective*” precludes the

construction of Raith in the Office Action. Specifically, the Office Action cites the word “seamless” used in Raith as disclosing a “soft handoff.” (Jan. 31, 2007 Office Action, pages 6-7 (citing Raith, page 3, lines 19-20)). Interpretation of the term “seamless” is unnecessary, however, since Raith does not disclose a “seamless” “handover,” but only one that appears to be such “from the user’s perspective.” In fact, at most the description of Raith discloses that according to a “user’s perspective” the “handover” is “seamless.” Raith cannot be interpreted as describing “soft handoff” because it clearly does not.

As discussed above, Appellant disputes the assertion that Raith discloses a “seamless” handover. Additionally, the term “seamless” does not necessarily denote a “soft handoff.” Shi is cited for the assertion that “seamless handoff reads on [A]pplicant’s soft handoff.” (Jan. 31, 2007 Office Action, page 7.) However, applying Shi to Raith is inappropriate. The Shi reference includes a single recitation of the term “seamless” identified above. While the Shi reference itself may have redefined the term “seamless handoff” to be synonymous with “soft handoff”, it is improper to import a specially defined term from one reference with one inventor into another reference with a different inventor. It would be much more appropriate and proper to look to other patent references from Raith to construe the meaning of the wording at issue in Raith. The primary reference at issue is PCT Patent Application Publication No. WO 01/63960 to Raith (“Raith”). Raith claims priority to U.S. Patent No. 6,611,688 (App. No. 09/510,431), which was filed on February 22, 2000, assigned to Ericsson Inc. with the inventor Alex Krister Raith and entitled “Position reporting method for a mobile terminal in a mobile communication network” (hereinafter “Raith-A”). Only 17 days before Raith-A was filed, this same inventor filed another patent application of the same subject matter, U.S. Patent No. 6,711,408 (App. No. 09/498,785), which was filed on February 5, 2000, assigned to Ericsson Inc. with the same inventor Alex Krister Raith and entitled “Position assisted handoff within a wireless communications network” (hereinafter “Raith-B”). The inventor Alex Krister Raith clearly was describing hard handoff in Raith, as is supported by Raith-B. The relevant language from Raith was also found nearly verbatim in Raith-B, as follows (the only difference in the language between Raith and Raith-B is noted in the quotation with brackets):

The measurement reports provided by the mobile terminal give the base station a list of the signal strength and possibly bit error rates from adjacent cells, as measured by the mobile terminal at its present location.

The mobile communication network also knows which adjacent cells have unused radio channels that are available for allocation during a handover [*handoff*]. From the list of available channels, the mobile communication network selects the cell which can best serve the mobile terminal and minimize interference. A suitable traffic channel in that cell is assigned as the target, and the mobile terminal is commanded to retune to the traffic channel in the target cell. At the same time, the call is switched by the MSC from the base station currently serving the mobile terminal to the base station in the target cell. The mobile terminal tunes to the newly assigned channel during one of the idle periods so there is no interruption in transmission. Thus, from the user's perspective, the handover [*handoff*] can be made seamless.

(Raith, page 3, lines 7-20; Raith-B, Col. 2, lines 19-36.) Immediately following this language from both Raith and Raith-B, Raith-B states "the discussion of handoff in this paragraph has assumed what is known in the art as a hard handoff", a similar process applies during what is known as a soft handoff." (Raith-B, Col. 2, lines 36-38.) Therefore, Raith does not disclose "a controller configured to effectuate a soft handoff from the first transceiver to the second transceiver," as recited in claim 1.

Raith discloses "hard handoff" wherein a mobile terminal is connected to only one base station at a time and therefore needs to drop the radio link for a brief period of time before being connected to a different, stronger transmitter. Such a handoff technique is in distinct contrast to a "soft handoff" technique, as claimed by Appellant, wherein a mobile terminal adds a new sufficiently-strong sector to its active set. It is so called because the radio link with the previous sector(s) is not broken before a link is established with a new sector--this soft handoff is described as a "make before break" handoff.

While the Raith reference discloses "if the mobile communication network was provided with the location of the mobile terminal, the mobile communication network could use this information for a variety of purposes, such as to optimize handovers", the handoff considerations and procedures for soft handoffs, as claimed by Appellant, and hard handoffs, as disclosed by the Raith reference, are different and independent. (Raith, page 4, lines 1-4). The Raith reference does not describe, either expressly or inherently, Appellant's identical inventions in as complete detail as are contained in the claims. Specifically, the Raith reference does not describe in as complete detail "a controller configured to effectuate a soft handoff from the first transceiver to

the second transceiver using a set of optimum parameters that are determined based on a current position of the third transceiver”, as claimed by Appellant in independent claim 1.

In view of the forgoing, Appellant respectfully submits that claim 1 is patentably distinct from Raith. Accordingly, Appellant respectfully requests that the rejection of claim 1 be withdrawn.

Claims 2-3 depend either directly or indirectly from claim 1. Accordingly, Appellant respectfully requests that the rejection of claims 2-3 be withdrawn.

Claims 8, 15, 23, 32, 35, and 36 include subject matter similar to the subject matter of claim 1. As such, Appellant respectfully requests that the rejection of claims 8, 15, 23, 32, 35, and 36 be withdrawn for at least the same reasons as those presented in connection with claim 1.

Claims 9-11 depend either directly or indirectly from claim 8. Claims 16-19 depend either directly or indirectly from claim 15. Accordingly, Appellant respectfully requests that the rejection of claims 9-11 and 16-19 be withdrawn.

#### **B. Claims 4-6, 12-13, 19-22, and 24 Rejected under 35 U.S.C. § 103(a)**

Claims 4-6, 12-13, 19-22, and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of Huang. Appellant respectfully traverses.

The factual inquiries that are relevant in the determination of obviousness are determining the scope and contents of the prior art, ascertaining the differences between the prior art and the claims in issue, resolving the level of ordinary skill in the art, and evaluating evidence of secondary consideration. KSR Int'l Co. v. Teleflex Inc., 550 U.S. \_\_\_, 2007 U.S. LEXIS 4745, at \*\*4-5 (2007) (citing Graham v. John Deere Co. of Kansas City, 383 U.S. 1, 17-18 (1966)). To establish a *prima facie* case of obviousness, the prior art references “must teach or suggest all the claim limitations.” M.P.E.P. § 2142. Moreover, the analysis in support of an obviousness rejection “should be made explicit.” KSR, 2007 U.S. LEXIS 4745, at \*\*37. “[R]ejections on obviousness grounds cannot be sustained by mere conclusory statements; instead, there must be some articulated reasoning with some rational underpinning to support the legal conclusion of obviousness.” Id. (citing In re Kahn, 441 F.3d 977, 988 (Fed. Cir. 2006)).

Claims 4-6 depend either directly or indirectly from claim 1. Claims 12-13 depend either directly or indirectly from claim 8. Claims 19-22 depend either directly or indirectly from claim

15. Claim 24 depends directly from claim 23. Accordingly, Appellant respectfully requests that the rejection of claims 4-6, 12-13, 19-22, and 24 be withdrawn.

**C. Claims 7 and 14 Rejected under 35 U.S.C. § 103(a)**

Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Raith in view of Shi. Appellant respectfully traverses. The standard for establishing a *prima facie* case of obviousness is provided above.

Claims 7 and 14 include subject matter similar to the subject matter of claim 1. As such, Appellant respectfully requests that the rejection of claims 7 and 14 be withdrawn for at least the same reasons as those presented in connection with claim 1.

Respectfully submitted,

Dated: September 7, 2007

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**CLAIMS APPENDIX****Listing of Claims involved in the appeal:**

1. A wireless communication system comprising:
  - a first transceiver;
  - a second transceiver;
  - a third transceiver in communication with the first transceiver; and
  - a controller configured to effectuate a soft handoff from the first transceiver to the second transceiver using a set of optimum parameters that are determined based on a current position of the third transceiver.
2. The system of claim 1 wherein the controller is further configured to determine the current position of the third transceiver.
3. The system of claim 2, wherein the current position includes a position of a sector within a cell coverage area.
4. The system of claim 1 wherein the set of optimum parameters includes a set of optimum system-access parameters and a set of optimum soft-handoff parameters.

5. The system of claim 4 wherein the controller is further configured to determine the set of optimum soft-handoff parameters.
6. The system of claim 4 wherein the controller is further configured to determine the set of optimum system-access parameters.
7. A mobile unit comprising:
  - a receiver unit configured to receive a set of optimum system-access parameters determined based on a current position of the mobile unit; and
  - a controller configured to effectuate a soft handoff of the mobile unit based on the received set of optimum system-access parameters.
8. A mobile unit comprising:
  - a receiver unit configured to receive a set of optimum soft-handoff parameters determined based on a current position of the mobile unit; and
  - a controller configured to effectuate a soft handoff from a first base station to a second base station based on the received set of optimum soft-handoff parameters.
9. The mobile unit of claim 8 wherein the controller is further configured to determine the current position of the mobile unit.
10. The mobile unit of claim 9 wherein the current position includes a position of a cell coverage area.

11. The mobile unit of claim 9 wherein the current position includes a position of a sector within a cell coverage area.
12. The mobile unit of claim 8 wherein the receiver unit is further configured to receive a set of optimum system-access parameters determined based on the current position of the mobile unit.
13. The mobile unit of claim 12 further comprising means for controlling the performance of the mobile unit based on the received set of optimum system access parameters.
14. A base station comprising:
  - a transmitter unit configured to transmit a set of optimum system-access parameters determined based on a current position of a mobile unit; and
  - a controller configured to effectuate a soft handoff of the mobile unit based on the set of optimum system-access parameters.
15. A base station comprising:
  - a transmitter unit configured to transmit to the mobile unit a set of optimum soft-handoff parameters determined based on a current position of the mobile unit in a first coverage area; and
  - a controller configured to effectuate a soft handoff from the first coverage area to a second coverage area based on the set of optimum soft-handoff parameters.

16. The base station of claim 15 wherein the controller is further configured to determine the current position of the mobile unit in the first coverage area.
17. The base station of claim 15 wherein the first coverage area includes a cell coverage area.
18. The base station of claim 15 wherein the first coverage area includes a sector within a cell coverage area.
19. The base station of claim 15 wherein the controller is further configured to determine the set of soft-handoff parameters.
20. The base station of claim 15 wherein the transmitter unit is further configured to transmit a set of optimum system-access parameters determined based on the current position of the mobile unit in a first coverage area.
21. The base station of claim 20 wherein the controller is further configured to control the performance of the mobile unit based on the set of optimum system-access parameters.
22. The base station of claim 21 wherein the controller is further configured to determine the set of optimum soft-handoff parameters and a set of optimum system-access parameters.
23. A method for effectuating soft handoff, comprising:  
determining a current position of a mobile unit in a first coverage area;

determining a set of optimum parameters based on the current position of the mobile unit; and effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters.

24. The method of claim 23 wherein the determining the set of optimum parameters includes determining a set of optimum system-access parameters and determining a set of optimum soft-handoff parameters.

25-31. (Withdrawn)

32. A computer readable medium embodying a method for effectuating soft handoff, the method comprising:

determining a current position of a mobile unit in a first coverage area;  
determining a set of optimum parameters based on the current position of the mobile unit; and effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters.

33-34. (Withdrawn)

35. An apparatus for effectuating soft handoff, comprising:

means for determining a current position of a mobile unit in a first coverage area;  
means for determining a set of optimum parameters based on the current position of the mobile unit; and

means for effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters.

36. An apparatus for effectuating soft handoff, comprising:
  - a memory unit; and
  - a digital signal processing (DSP) unit communicatively coupled to the memory unit, the DSP being capable of:
    - determining a current position of a mobile unit in a first coverage area;
    - determining a set of optimum parameters based on the current position of the mobile unit; and
    - effectuating a soft handoff from the first coverage area to a second coverage area using the set of optimum parameters.

37-44. (Withdrawn)

**EVIDENCE APPENDIX**

NONE.

**RELATED PROCEEDINGS APPENDIX**

NONE.